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DECISION OF THE COMPTROLLER GENERAL OF THE UNITED STATES

B-72680

(UNPUBLISHED)

March 10, 1948

Increased allowances for employees at classified posts, payable under Bureau of the Budget Circular No. A-8, Revised, are payable only if an employee's wife or other dependents are living with him at the post.

COMPTROLLER GENERAL WARREN TO THE DIRECTOR OF CENTRAL INTELLIGENCE

Reference is made to your letter of January 7, 1948, as follows:

"It has come to my attention that there is some doubt in the minds of this Agency's Finance officials and Authorized Certifying Officers with respect to the proper amounts of quarters and cost of living allowances to be paid at classified posts under the provisions of Bureau of the Budget Circular No. A-8, Revised. The question currently involved relates specifically to payments which should be made to married employees.

"It has been our understanding that the increased allowances at classified posts are payable to married employees (regardless of whether or not the wife resides at the post) or unmarried employees with families at their foreign posts, with only the basic allowances payable to single employees without families at the posts. Accordingly, a married employee has automatically been granted the increased allowances for both Quarters and Cost of Living without taking into consideration whether or not his wife lives with him at the post. Of course, an employee who is not responsible for the support of a wife, because of death, divorce, or other appropriate reasons, has been paid only the basic allowances unless members of his family were present. It has now been brought to our attention that it may be proper to pay married employees the increased allowances only if their wives or members of their families are living with them.

"To support the interpretation heretofore followed by this office attention is invited to Appendix II, Circular No. A-8, Revised, which sets forth the quarters allowances payable under the various Post classifications. The increased allowances authorized by this appendix are payable to employees who are 'married, or unmarried with family', and the basic allowances are payable to employees who are 'single,

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without family'. Circular No. A-8 Revised, stipulates that 'family' means the mother, father, children, stepchildren or sister of a married or unmarried employee living with the employee at the foreign post. It is of primary importance to note that the definition omits any mention of a wife. It is also to be noted that the cost of Living Allowance schedules provide for allowances for personnel 'With Dependents' and 'Without Dependents'. Further, Standard Form 1069-Rev., Voucher for Allowances at Foreign Posts of Duty, which has been prescribed for use in the payment of quarters and cost of living allowances, is so devised that a married employee who does not have his wife living with him at his foreign post would have to add a statement to that effect on the face of the form before it could be properly certified and presented for payment. The following certifications appear on the face of the form and are to be checked by the employee when he executes his claim: 'I am married, or unmarried, and have living with me at the above mentioned post or station, children, stepchildren, mother, father or sister' and 'I am unmarried and have no children, stepchildren, mother, father or sister living with me at the above-mentioned post or station'. It appears that if a married employee is not entitled to the increased allowance, because his wife does not live with him, neither of the quoted certifications will provide the necessary information. The pertinent instructions seem to indicate that a married man who does not have his wife residing with him is entitled to the increased allowances.

"It is assumed that a dependent husband would take the same status for allowance purposes as a wife. Your decision of April 3, 1947 (B-63474) to Mr. W. H. Rohrman, Authorized Certifying Officer, Department of Agriculture, has been noted.

"It will be appreciated if you will render a decision in this matter at the earliest possible date. If you should rule that a married employee must have his wife at his foreign post of duty in order to be entitled to the increased allowances (in the absence of other members of his family) this office will immediately alter its payment procedure in those few cases affected. In the event of such a ruling, it is requested that because of the terminology contained in Bureau of the Budget Circular No. A-8, Revised, this Agency be relieved of the responsibility of collecting payments which may not have been made in accordance with your conclusion."

The referred-to Bureau of the Budget Circular No. A-8 defines the word "family" as meaning the mother, father, children, stepchildren or sister of an employee "living with the employee at the foreign

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post," and specifically states (see paragraphs 4 and 13 therein) that the quarters and cost of living allowances prescribed in appendices II and III thereof are based upon the "family status" of an employee, as defined above. It has been informally ascertained from the Bureau of the Budget that the word "wife" was inadvertently omitted from the definition of "family" in said circular and that the increased allowances for a "married" employee in appendix II and for an employee "with dependents" in appendix III were established for an employee who had a wife, mother, father, children, stepchildren, or sister living with him at his foreign post of duty.

Since it appears that the quarters allowances are authorized to be paid in order to compensate an employee for expenses incurred by him for quarters at his foreign post of duty because of the fact that he is not provided free rent, heat, fuel, and light in Government-owned or rented buildings, and that the cost of living allowance is payable in order to equalize the difference between costs at the foreign post and Washington, D. C., of subsistence, services, commodities, and other living expenses, except quarters (including heat, fuel, and light), the increased allowances for a married employee may be regarded as payable to such an employee only if his wife or other dependents be living with him at his foreign post of duty. See 27 Comp. Gen. 124, and 26 Comp. Gen. 731.

As the meaning of the regulation appears confusing by reason of the fact that the word "wife" was omitted from the definition of "family" in the circular, you are advised that no question will be raised in the audit with respect to payments heretofore made upon the basis of your office's prior interpretation of said regulation.

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